

**SENATE JOURNAL**  
 Seventieth General Assembly  
**STATE OF COLORADO**  
 First Regular Session

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66th Legislative Day Friday, March 13, 2015

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Prayer	By the chaplain, Reverend Dawn Duval, Shorter Community AME Church, Denver.	11
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Call to Order	By the President at 9:00 a.m.	13
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Pledge	By Senator Holbert.	15
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Roll Call	Present--35	17
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Quorum	The President announced a quorum present.	19
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Reading of Journal	On motion of Senator Sonnenberg, reading of the Journal of Thursday, March 12, 2015, was dispensed with and the Journal was approved as corrected by the Secretary.	21
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**COMMITTEE OF REFERENCE REPORTS**

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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that <b>SB15-198</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	31
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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that <b>SB15-199</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	37
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Appropriations	After consideration on the merits, the Committee recommends that <b>SB15-211</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	43
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	Amend printed bill, page 3, line 10, strike "PROJECTS." and substitute	47
	"PROJECTS, AND NOT INCLUDING ANY APPROPRIATIONS MADE FROM THE	48
	INFORMATION TECHNOLOGY ACCOUNT IN THE CAPITAL CONSTRUCTION	49
	FUND CREATED IN SECTION 24-75-302 (3.7), AS ENACTED BY HOUSE BILL	50
	15-1266."	51
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	Page 3, after line 12 insert:	53
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	"(c) "CASH FUND" DOES NOT INCLUDE THE LOTTERY FUND	55
	CREATED IN 24-35-210 OR THE LIMITED GAMING FUND CREATED IN	56
	SECTION 12-47.1-701 (1), C.R.S."	57
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	Reletter succeeding paragraphs accordingly.	59
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	Page 3, strike lines 17 through 19 and substitute "ACCORDANCE WITH	61
	GENERALLY ACCEPTED ACCOUNTING PRINCIPLES."	62
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	Page 3, line 20, after "DETERMINED" insert "IN FISCAL RULES	64
	PROMULGATED"	65
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	Page 3, line 22, before "TOTAL" insert "DEPRECIABLE COMPONENTS OF	67

- THE". 1
- 2
- Page 4, strike lines 1 through 3 and substitute "REFLECTED IN THE 3
- APPROPRIATION; EXCEPT THAT, IF THE PROJECT IS". 4
- 5
- Page 4, lines 10 and 11, strike "A STATE AGENCY OR STATE INSTITUTION 6
- OF HIGHER EDUCATION SHALL SET ASIDE". 7
- 8
- Page 4, line 12, after "FUNDING" insert "MUST BE SET ASIDE". 9
- 10
- Page 4, line 14, before "CALCULATE" insert "ANNUALLY". 11
- 12
- Page 4, lines 14 and 15, strike "AND ANNUALLY SET ASIDE". 13
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- Page 4, line 18, strike "BY MEANS OF A TRANSFER" and substitute "AND 15
- THE STATE CONTROLLER SHALL CREDIT SUCH AMOUNT". 16
- 17
- Page 4, line 20, after "AGENCY" insert "IN SUCH CASH FUND". 18
- 19
- Page 4, line 21, strike "15-\_\_\_\_." and substitute "15-1280.". 20
- 21
- Page 4, strike lines 24 through 26 and substitute "MAINTENANCE TRUST 22
- FUND, AN ANNUAL DEPRECIATION-LEASE EQUIVALENT PAYMENT LINE 23
- ITEM PAYABLE FROM THE GENERAL FUND MUST BE INCLUDED IN THE 24
- OPERATING SECTION OF THE ANNUAL GENERAL APPROPRIATION ACT FOR 25
- EACH STATE AGENCY OR STATE INSTITUTION OF HIGHER EDUCATION 26
- EQUAL TO THE". 27
- 28
- Page 5, strike lines 14 through 19 and substitute "ANNUALLY CALCULATE 29
- AN AMOUNT EQUAL TO ONE PERCENT OF THE PROJECT COST AND AN 30
- ANNUAL CONTROLLED MAINTENANCE LINE ITEM PAYABLE FROM THE 31
- CASH FUND MUST BE INCLUDED IN THE OPERATING SECTION OF THE 32
- ANNUAL GENERAL APPROPRIATION ACT FOR EACH STATE AGENCY EQUAL 33
- TO SUCH AMOUNT. THE STATE CONTROLLER SHALL CREDIT SUCH AMOUNT 34
- TO A CAPITAL RESERVE ACCOUNT". 35
- 36
- Page 5, line 20, after "AGENCY" insert "IN THE CASH FUND". 37
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- Page 5, line 21, strike "15-\_\_\_\_." and substitute "15-1280.". 39
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- Page 5, line 23, strike "THE STATE". 41
- 42
- Page 5, strike lines 24 through 27 and substitute "AN ANNUAL 43
- CONTROLLED MAINTENANCE LINE ITEM PAYABLE FROM THE GENERAL 44
- FUND MUST BE INCLUDED IN THE OPERATING SECTION OF THE ANNUAL 45
- GENERAL APPROPRIATION ACT FOR EACH STATE AGENCY OR STATE 46
- INSTITUTION OF HIGHER EDUCATION EQUAL TO ONE PERCENT OF THE 47
- PROJECT COST. THE STATE CONTROLLER SHALL CREDIT SUCH AMOUNT TO 48
- THE CONTROLLED MAINTENANCE TRUST FUND.". 49
- 50
- Page 6, strike lines 1 through 3. 51
- 52
- Page 6, line 17, strike "15-\_\_\_\_," and substitute "15-1280,.". 53
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Appropriations

After consideration on the merits, the Committee recommends that **SB15-129** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 22, before line 18 insert:

**SECTION 6. Appropriation.** (1) For the 2015-16 state fiscal year, \$459,298 is appropriated to the judicial department. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

- (a) \$139,854 for courthouse capital and infrastructure maintenance; and

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(b) \$319,444 for trial court programs, which amount is based on an assumption that the department will require an additional 4.0 FTE."

Renumber succeeding section accordingly.

Page 1, line 102, strike "ACTIONS." and substitute "ACTIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that **SB15-069** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, after line 24 insert:

**"SECTION 4. Appropriation - adjustments to 2015 long bill.**

(1) To implement this act, appropriations made in the annual general appropriation act for the 2015-16 state fiscal year to the department of regulatory agencies are adjusted as follows:

(a) The general fund appropriation for the civil rights division, personal services is decreased by \$18,220, and the related FTE is decreased by 0.4 FTE; and

(b) The general fund appropriation for the executive director's office and administrative services, legal services is decreased by \$7,655.

(2) To implement this act, the reappropriated funds made in the annual general appropriation act for the 2015-16 state fiscal year to the department of law for legal services to state agencies is decreased by \$7,655. This appropriation is from reappropriated funds received from the department of regulatory agencies."

Renumber succeeding sections accordingly.

Page 1, line 102, strike "2013"." and substitute "2013", AND, IN CONNECTION THEREWITH, REDUCING AN APPROPRIATION."

Appropriations

After consideration on the merits, the Committee recommends that **HB15-1254** be **referred** to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB15-086** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 6, after line 16 insert:

**"SECTION 6. Appropriation - adjustments to 2015 long bill.**

(1) To implement this act, appropriations made in the annual general appropriation act for the 2015-16 state fiscal year to the department of public safety are adjusted as follows:

(a) The general fund appropriation for the national criminal background check system is increased by \$3,511,343;

(b) The cash funds appropriation from the instant criminal background check fund created in section 24-33.5-424 (3.5) (b), C.R.S., is decreased by \$3,648,500, and the related FTE is decreased by 2.4 FTE."

Renumber succeeding section accordingly.

Page 1, line 102, strike "FIREARMS." and substitute "FIREARMS, AND IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS."

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Appropriations	After consideration on the merits, the Committee recommends that <b>SB15-078</b> be <b>amended</b> as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	1 2 3
	Amend printed bill, page 4, before line 10 insert the following:	4 5
	<b>"SECTION 2. Appropriation.</b> For the 2015-16 state fiscal year, \$45,304 is appropriated to the legislative department for use by the legislative council staff. This appropriation is from the general fund and is based on an assumption that the legislative council staff will require an additional 0.7 FTE. The legislative council staff may use this appropriation to implement this act."	6 7 8 9 10 11 12
	Renumber succeeding section accordingly.	13 14
	Page 1, line 102, strike: "IMPACTS." and substitute "IMPACTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.".	15 16 17
Appropriations	After consideration on the merits, the Committee recommends that <b>SB15-045</b> be <b>referred</b> to the Committee of the Whole with favorable recommendation.	18 19 20 21
Appropriations	After consideration on the merits, the Committee recommends that <b>HB15-1150</b> be <b>referred</b> to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	22 23 24 25 26
Appropriations	After consideration on the merits, the Committee recommends that <b>HB15-1067</b> be <b>referred</b> to the Committee of the Whole with favorable recommendation.	27 28 29 30
Appropriations	After consideration on the merits, the Committee recommends that <b>HB15-1048</b> be <b>referred</b> to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	31 32 33 34 35
Appropriations	After consideration on the merits, the Committee recommends that <b>SB15-090</b> be <b>amended</b> as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	36 37 38 39 40
	Amend the Transportation Committee Report, dated February 10, 2015, page 4, after line 18 insert:	41 42 43
	<b>"SECTION Appropriation.</b> For the 2015-16 state fiscal year, \$355,595 is appropriated to the department of revenue for use by the division of motor vehicles. This appropriation is from the license plate cash fund created in section 42-3-301 (1) (b), C.R.S. To implement this act, the division may use this appropriation for license plate ordering. The moneys appropriated by this section become available upon the receipt of gifts, grants, and donations of at least \$355,595."	44 45 46 47 48 49 50 51
	Renumber succeeding section.	52 53
	Page 4 of the committee report, after line 37 insert:	54 55
	"Page 1 of the printed bill, line 102, strike "READABILITY." and substitute "READABILITY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."."	56 57 58 59
Appropriations	After consideration on the merits, the Committee recommends that <b>HB15-1004</b> be <b>referred</b> to the Committee of the Whole with favorable recommendation.	60 61 62 63
Transportation	After consideration on the merits, the Committee recommends that <b>SB15-179</b> be <b>postponed indefinitely</b> .	64 65 66 67

Trans- After consideration on the merits, the Committee recommends that **HB15-1209** be  
 portation **referred** to the Committee of the Whole with favorable recommendation and with a  
 recommendation that it be placed on the Consent Calendar.

Trans- After consideration on the merits, the Committee recommends that **HB15-1134** be  
 portation **referred** to the Committee of the Whole with favorable recommendation and with a  
 recommendation that it be placed on the Consent Calendar.

**SENATE SERVICES REPORT**

**Correctly Printed:** SJR15-015 and 016.  
**Correctly Engrossed:** SJR15-011.  
**Correctly Enrolled:** SB15-013, 047 and 128.

On motion of Majority Leader Scheffel, and with a majority of those elected to the Senate  
 having voted in the affirmative, the General Orders -- Second Reading of Bills Calendar  
 (SB15-135 and SB15-183) of Friday, March 13 was laid over until Monday, March 16,  
 retaining its place on the calendar.

**CONSIDERATION OF RESOLUTIONS**

**SJR15-013** by Senator(s) Scheffel and Garcia; also Representative(s) Lawrence and McCann--  
 Concerning the designation of "First Responder Appreciation Day".

On motion of Majority Leader Scheffel, the resolution was read at length.

On motion of Senator Garcia, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	E	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

Co-sponsor(s) added: Balmer, Baumgardner, Cadman, Carroll, Cooke, Crowder, Donovan,  
 Grantham, Guzman, Heath, Hill, Hodge, Holbert, Jahn, Johnston, Jones, Kefalas, Kerr,  
 Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Neville T., Newell, Roberts,  
 Scott, Sonnenberg, Steadman, Todd, Ulibarri and Woods.

Senate in recess.                      Senate reconvened.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**SB15-116** by Senator(s) Steadman; also Representative(s) Garnett--Concerning needle-stick prevention.

Senator Steadman moved that the Senate concur in House amendments to **SB15-116**, as printed in House journal, March 11, 2015, page(s) 461-462. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	E	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar	E	Guzman	Y	Kerr	Y	Scheffel	Y
Balmer	Y	Heath	Y	Lambert	Y	Scott	Y
Baumgardner	Y	Hill	Y	Lundberg	Y	Sonnenberg	Y
Carroll	Y	Hodge	Y	Marble	Y	Steadman	Y
Cooke	Y	Holbert	Y	Martinez Humenik	Y	Todd	Y
Crowder	Y	Jahn	Y	Merrifield	Y	Ulibarri	Y
Donovan	Y	Johnston	Y	Neville T.	Y	Woods	Y
Garcia	Y	Jones	Y	Newell	Y	President	Y
Grantham	Y	Kefalas	Y	Roberts	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was **repassed**.

Co-sponsor(s) added: Crowder, Kerr and Martinez Humenik.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS --  
CONSENT CALENDAR**

On motion of Majority Leader Scheffel, the following Governor's appointments were confirmed by the following roll call votes:

MEMBERS OF THE  
STATE HOUSING BOARD

for terms expiring January 31, 2019:

Raymond Timothy Hudner of Grand Junction, Colorado, a Republican and resident of the Third Congressional District, reappointed;

Barbara Cleland of Aurora, Colorado, a Republican and resident of the Sixth Congressional District, reappointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Aguilar		E Guzman		Y Kerr		Y Scheffel	Y
Balmer		Y Heath		Y Lambert		Y Scott	Y
Baumgardner		Y Hill		Y Lundberg		Y Sonnenberg	Y
Carroll		Y Hodge		Y Marble		Y Steadman	Y
Cooke		Y Holbert		Y Martinez Humenik		Y Todd	Y
Crowder		Y Jahn		Y Merrifield		Y Ulibarri	Y
Donovan		Y Johnston		Y Neville T.		Y Woods	Y
Garcia		Y Jones		Y Newell		Y President	Y
Grantham		Y Kefalas		Y Roberts		Y	

On motion of Majority Leader Scheffel, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of Conference Committee Reports Calendar (SB15-085) of Friday, March 13 was laid over until Monday, March 16, retaining its place on the calendar.

Senate in recess. Senate reconvened.

**COMMITTEE OF REFERENCE REPORTS**

Health & Human Services

The Committee on Health & Human Services has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

**MEMBER OF THE  
SOLID AND HAZARDOUS WASTE COMMISSION**

for a term expiring August 1, 2017:

Garrett Matthew Clemons of Denver, Colorado, to serve as a representative from the public at large and as a Republican and occasioned by the resignation of Jennifer McClister of Golden, Colorado, appointed.

Health & Human Services

The Committee on Health & Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE  
SOLID AND HAZARDOUS WASTE COMMISSION**

for terms expiring August 1, 2017:

James Michael Wilson of Superior, Colorado, to serve as a representative from the regulated community and as a Democrat, appointed;

John Harrison Kehoe of Centennial, Colorado, to serve as a representative from the regulated community and as an Unaffiliated, reappointed.

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Health & Human Services

The Committee on Health & Human Services has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE STATE BOARD OF HEALTH

for a term expiring March 1, 2017

Michael Anthony Cappello of Brush, Colorado, a resident of the Fourth Congressional District and a Republican, and occasioned by the resignation of Gary Lynn Teague of Fort Morgan, Colorado, appointed.

Health & Human Services

The Committee on Health & Human Services has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE AIR QUALITY CONTROL COMMISSION

for terms expiring January 31, 2018:

John M. Clouse of Denver, Colorado, a person with appropriate scientific and technical training or experience, and a Democrat, reappointed;

Hon. Laura Doreen Teague of Fort Morgan, Colorado, a person with appropriate agricultural training or experience, and a Republican, reappointed;

Curtis Otto Rueter of Westminster, Colorado, a person with appropriate technical and industrial training or experience, and a Republican, appointed.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB15-192** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 3, strike line 27 and substitute "NURSE PRESCRIBER HAS DEVELOPED AN ARTICULATED PLAN TO MAINTAIN ONGOING COLLABORATION WITH PHYSICIANS AND OTHER HEALTH CARE PROFESSIONALS."

Page 4, strike line 1.

Page 5, strike lines 26 and 27 and substitute "NURSE PRESCRIBER HAS DEVELOPED AN ARTICULATED PLAN TO MAINTAIN ONGOING COLLABORATION WITH PHYSICIANS AND OTHER HEALTH CARE PROFESSIONALS."

Health & Human Services

After consideration on the merits, the Committee recommends that **HB15-1182** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 2, after line 15 insert:

"(2) THE BOARD SHALL PROMULGATE RULES CONCERNING THE COMPETENCY REQUIREMENTS FOR A CERTIFIED NURSE AIDE TO PERFORM THE TASKS LISTED IN SUBSECTION (1) OF THIS SECTION."

Renumber succeeding subsections accordingly.

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Health &  
Human  
Services

After consideration on the merits, the Committee recommends that **SB15-197** be **amended** as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 6, strike lines 18 and 19 and substitute:

~~"(I) (A) Except as provided in sub-subparagraph (B) of this subparagraph (I), no later than July 1, 2011, The advanced practice nurse".~~

Page 7, line 18, strike "provisional" and substitute "provisional FULL".

Page 7, line 24, after "POPULATION" insert "FOCUS".

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**MESSAGE FROM THE HOUSE**

March 13, 2015

Mr. President:

The House has adopted and returns herewith SJR15-013.

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**INTRODUCTION OF BILLS -- FIRST READING**

The following bills were read by title and referred to the committees indicated:

**SB15-213** by Senator(s) Cadman and Scheffel, Hill; also Representative(s) Hullinghorst and Duran--  
Concerning the limited waiver of governmental immunity for claims involving public  
schools for injuries resulting from incidents of school violence.  
Judiciary

**SB15-214** by Senator(s) Scheffel and Cadman; also Representative(s) Duran and Hullinghorst--  
Concerning creating a legislative committee on safety in schools, and, in connection  
therewith, addressing youth mental health issues.  
Judiciary

**SB15-215** by Senator(s) Hill and Kerr; also Representative(s) Buckner and Wilson--Concerning  
assessments in public schools, and, in connection therewith, codifying the consensus  
recommendations of the standards and assessments task force created in House Bill 14-  
1202.  
Education

**SB15-216** by Senator(s) Hill; also Representative(s) Fields--Concerning a school district's exclusive  
authority to authorize charter schools located within the geographic boundaries of the  
school district.  
Education

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**SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS**

The President has signed: HB15-1012, 1032, 1055, 1060, 1075, 1078, 1117, 1137, 1192,  
1207.

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On motion of Majority Leader Scheffel, the Senate adjourned until 10:00 a.m., Monday, March 16, 2015.

Approved:

Bill L. Cadman  
President of the Senate

Attest:

Cindi L. Markwell  
Secretary of the Senate

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